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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,863	01/30/2004	Harald Hinderer	07781.0139-00	3915

60668   7590   09/30/2008
SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
ONYEZIA, CHUKS N

ART UNIT	PAPER NUMBER
3691	

MAIL DATE	DELIVERY MODE
09/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/766,863	HINDERER ET AL.
Office Action Summary	Examiner	Art Unit	
	CHUKS ONYEZIA	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 June 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4,10-16,18-25 and 27-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,2,4,10-16,18-25 and 27-29</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>30 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114,
including the fee set forth in 37 CFR 1.17(e), was filed in this
application after final rejection. Since this application is
eligible for continued examination under 37 CFR 1.114, and the
fee set forth in 37 CFR 1.17(e) has been timely paid, the
finality of the previous Office action has been withdrawn
pursuant to 37 CFR 1.114. Applicant's submission filed on
06/27/2008 has been entered.

Response to Amendment

2.   In the amendment filed 06/27/2008, the following has
occurred: claims 1,2,4-6,10-12, 16, 19, and 23 has been amended,
claims 3,9,17, and 26 have been cancelled. Claims 1,2,4-8,10-16,
18-25, and 27-29 are presented and have been considered for
examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs
of 35 U.S.C. 102 that form the basis for the rejections under
this section made in this Office action:

    A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or
a foreign country or in public use or on sale in this country, more than one
year prior to the date of application for patent in the United States.

4.   Claims 1-4, 6-10, 12-15, and 27 rejected under 35

U.S.C. 102(b) as being anticipated by Johnson et al. U.S. Patent

Number 5,615,408 (PTO-892 Reference A).

5.   As per claim 1, Johnson teaches a credit management system

for managing information relating to credit of a customer

comprising:

a credit information manager, said credit information

manager managing information relating to a credit limit and

credit scoring of said customer (See Johnson Col. 57 Lns 19-

24);

a credit limit manager, said credit limit manager managing

credit limit master data and calculating open and used credit

for said customer (Johnson Col. 9 Lns 44-54);

credit decision support, said credit decision support

performing analyses of accounting information relating to said

customer (Johnson Col. 57 Lns. 25-33); and

a credit rules engine, said credit rules engine applying

credit rules to the credit information, the credit limit master

data and calculated open and used credit, and the accounting

information relating to said customer to generate internal

scoring and internal credit limits (Johnson Col. 8 Ln. 57- Col. 9
Ln. 17), It is the Examiner's interpretation that the
formulation of credit score and risk is a function of
calculating open and used credit of a user.

6.   As per claim 2, Johnson teaches the above limitations of
claim 1. Johnson further teaches said credit information
comprises external credit scoring (Johnson Col. 8 Lns 43-57).

7.   As per claim 3, (Cancelled)

8.   As per claim 4, Johnson teaches the above limitations of
claim 1. Johnson further teaches said accounting information
comprises sales volume information (Johnson Col. 20 Lns 58-64),
dunning information (Johnson Col. 8 Lns 57-59), and payment
history information (Johnson Col. 10 Lns 46-56).

9.   As per claim 6, Johnson teaches a method of automatically
performing a credit check relating to a customer, said method
being designed to be run on a computerized platform and
comprising the steps of:

        obtaining an external credit scoring from at least one
external credit information provider (Johnson Col. 8 Lns 43-57);

        obtaining information relating to calculated open and used
credit for said customer;(Johnson Col. 8 Ln. 57- Col. 9 Ln. 17),

        obtaining accounting information relating to said customer
from at least one source (Johnson Col. 57 Lns 19-24);

applying a credit scoring rule to said external credit
scoring, said calculated open and used credit, and said
accounting information to calculate an internal credit limit;
and storing said internal credit limit (Johnson Col. 8 Ln. 57-
Col. 9 Ln. 17).

10. As per claim 7, Johnson teaches the above limitations of
claim 6. Johnson further teaches said applying a credit scoring
rule step comprises calculating an internal credit scoring prior
to calculating said internal credit limit and utilizing said
internal credit scoring to calculate said internal credit limit
(Johnson Col. 8 Ln. 57- Col. 9 Ln. 17).

11. As per claim 8, Johnson teaches the above limitations of
claim 7. Johnson further teaches step of storing said internal
credit scoring (Johnson Col. 8 Lns 65-67).

12. As per claim 9, (Cancelled).

13.   As per claim 10, Johnson teaches the above limitations of
claim 6. Johnson further teaches said accounting information
comprises sales volume information (Johnson Col. 20 Lns 58-64),
dunning information (Johnson Col. 8 Lns 57-59), and payment
history information (Johnson Col. 10 Lns 46-56).

14. As per claim 12, Johnson teaches a method of automatically
updating a customer's credit scoring, said method being

designed to be run on a computerized platform and comprising the
steps of:

receiving an updated external credit scoring from at least
one external credit information provider (Johnson Col. 8 Lns 43-
57);

storing said updated external credit scoring (Johnson Col.
8 Lns 43-57);

receiving information relating to calculated open and used
credit for said customer; storing said calculated open and used
credit information (Johnson Col. 8 Ln. 57- Col. 9 Ln. 17

retrieving updated accounting information relating to said
customer(Johnson Col. 57 Lns 19-24);

calculating a new internal credit scoring based upon said
updated external credit scoring, said calculated open and used
credit information, and said updated accounting information; and
storing said new internal credit scoring (Johnson Col. 8 Ln. 57-
Col. 9 Ln. 17).

15. As per claim 13, Johnson teaches the above limitations of
claim 12. Johnson further teaches requesting said updated
external credit scoring from said at least one external credit
information provider (Johnson Col. 9 Lns 5-17).

16. As per claim 14, Johnson teaches the above limitations of
claim 13. Johnson further teaches determining if said internal
credit scoring is still valid (Johnson Col. 9 Lns 18-23);

    determining if said customer is active (Johnson Col. 9 Lns
23-25); and

    if said customer is not active, adding said customer to an
inactive list and not updating said customer's internal credit
scoring (Johnson Col. 9 Lns 25-29).

17. As per claim 15, Johnson teaches the above limitations of
claim 14. Johnson further teaches if said customer is not
active, erasing a stored credit limit and credit scoring for
said customer (Johnson Col. 9 Lns 24-29) examiner interprets the
movement to an error log and handling service as a quarantine or
erasure.

18. As per claim 27, Johnson teaches the above limitations of
claim 19. Johnson further teaches a plurality of different
systems may provide said accounting information (Johnson Col. 8
Lns 43-52).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

19. Claims 28 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pillay et al. U.S. Patent Publication No. 2002/0042763 A1 (PTO-892 Reference B)

20. As per claim 28, Johnson teaches a method of automatically preparing a credit checklist for a service provider, said method being designed to be run on a computerized platform and comprising the steps of:

obtaining information from an accounts receivable system (see Pillay ¶ [0044]);

obtaining information from a billing system (Pillay ¶ [0037]); and

taking information relating to a predetermined volume of customers, critical customers' information, and suspicious customers' information and preparing a report therefrom (Pillay ¶ [0059] and [0066]).

21. As per claim 29, Johnson teaches the above limitations of claim 28. Johnson further teaches said predetermined volume comprises a predetermined percentage of said customers (Pillay ¶

[0006]) examiner interprets the providing of reports to all
customers a predetermined percentage of 100%.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

23. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Johnson et al. U.S. Patent Number

5,615,408 (PTO-892 Reference A) in view of Natsuno U.S. Patent

Number 7,231,202 B2 (PTO-892 Reference C).

24. As per claim 5, Johnson teaches the above limitations of

claim 1. However, Johnson does not teach said information input

comprises customer profession and age information. Natsuno

teaches this limitation (see Natsuno Col. 8 Lns. 14-25). One of

ordinary skill in the arts would have found motivation to

combine these teaching for the purpose of managing credit

information of system subscribers (see Natsuno Col. 6 Lns. 42-

46).

25. As per claim 11, Johnson teaches the above limitations of

claim 6. However, Johnson does not teach said information

relating to said customer comprises profession and age

information. Natsuno teaches this limitation (see Natsuno Col. 8

Lns. 14-25). One of ordinary skill in the arts would have found

motivation to combine these teaching for the purpose of managing

credit information of system subscribers (see Natsuno Col. 6

Lns. 42-46).

26. Claims 16, and 18-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Johnson et al. U.S. Patent Number

5,615,408 (PTO-892 Reference A) in view of Mills et al. U.S.

Patent Number 7,024,386 (PTO-892 Reference G).

27. As per claim 16, Johnson teaches a method of automated

credit limit monitoring for a customer, said method being

designed to be run on a computerized platform and comprising the

steps of:

    receiving accounting information, said accounting

information collectively providing an indication of exposure for

said customer (Johnson Col. 57 Lns. 19-24);

    calculating a total exposure from said accounting

information (Johnson Col. 8 Ln. 57- Col. 9 Ln. 17);

    determining if said total exposure is within a

predetermined level of said credit limit or higher (Johnson Col.

9 Lns 41-62);

    if said total exposure is within a predetermined level of

said credit limit or higher, triggering an event for follow-up,

and updating credit scoring and credit limit for said customer
(Johnson Col. 9 Lns 41-62). However Johnson does not disclose
wherein said accounting information comprises data relating to
at least one of open items, new orders, and unbilled and billed
but not posted items. Mills discloses credit limits based on new
trades (see Mills Col 19 Lns 19-27). It would have been obvious
to One of ordinary skill in the arts to combine these teachings
for the purpose of continued monitoring credit risk.

28. As per claim 18, Johnson and Mills teach the above
limitations of claim 16. Johnson further teaches setting a new
validity date for said updated credit scoring and credit limit
(Johnson Col. 9 Lns 8-17).

29. As per claim 19, Johnson teaches a method of automated
exposure monitoring for monitoring credit exposure of a service
provider, said method being designed to be run on a computerized
platform and comprising the steps of:

    obtaining accounting information relating to a customer
(Johnson Col. 8 Lns 57-59);

    calculating an accounting information total (Johnson Col.
15 Lns 27-34);

    determining if said accounting information total exceeds a
credit limit of said customer (Johnson Col. 9 Lns 41-62);

if said accounting information total does exceed said credit limit, triggering an event (Johnson Col. 9 Lns 41-62).

However Johnson does not disclose wherein said accounting information comprises data relating to at least one of open items, new orders, and unbilled and billed but not posted items. Mills discloses credit limits based on new trades (see Mills Col 19 Lns 19-27). It would have been obvious to One of ordinary skill in the arts to combine these teachings for the purpose of continued monitoring credit risk.

30. As per claim 20, Johnson and Mills teach the above limitations of claim 19. Johnson further teaches said event comprises storing said accounting information total (Johnson Col. 15 Lns 42-47).

31. As per claim 21, Johnson and Mills teach the above limitations of claim 19. Johnson further teaches said event comprises storing a difference between said accounting information total and said credit limit (Johnson Col. 15 Lns 42-47).

32. As per claim 22, Johnson and Mills teach the above limitations of claim 19. Johnson further teaches said method is run upon said customer placing a new order (Johnson Col. 6 Lns 1-14).

33. As per claim 23, Johnson and Mills teach the above
limitations of claim 22. Johnson further teaches if said
accounting information total does not exceed said credit limit,
said new order is approved (Johnson Col. 9 Lns 46-51).

As per claim 24, Johnson and Mills teach the above limitations
of claim 19. However, Johnson does not teach said event
comprises declining said new order. Mills discloses disallowing
a deal or order if there is insufficient credit (see Col. 11 Lns
1-12). It would have been obvious to combine the teachings of
Johnson with Mills for the purpose of protecting from credit
risk.

34. As per claim 25, Johnson and Mills teach the above
limitations of claim 19. Johnson further teaches said method is
run periodically (Johnson Col. 9 Lns 8-11).

35. Claim 26 (Cancelled).

Response to Arguments

36. Applicant's arguments filed 12/19/2007 have been fully
considered but they are not persuasive.

37. Applicant argues that:

Johnson fails to teach or suggest the claimed "credit limit
manager" or any form of manager for "calculating open and used
credit for said customer,".

Examiner responds that:

Johnson teaches credit limit management that calculates new

credit limits as a function of credit score and credit risk

changes (see Col. 9, Lns 44-57). Examiner notes that claim 1

recites a system and that a limitation "for calculating open and

used credit" represents intended use which holds no patentable

weight. It is also of the Examiner's interpretation that the

formulation of credit score and risk is a function of calculates

open and used credit of a user.

38.   Applicant argues that:

Johnson also fails to teach or suggest the claimed "credit rules

engine" of independent claim 1. As noted above, Johnson uses a

credit score obtained from an external credit bureau to

determine a credit limit for a subscriber. (See Johnson, col. 8,

line 57-col.9, line 17). Johnson only collects these external

credit scores to periodically update a customer's internal

credit limit.

Examiner responds that:

Johnson teaches storing external scores and using external

scoring as internal scoring to generate internal credit limits

(Col 8 Lns. 57-60 and Col 9 Lns. 2-7) examiner interprets that

the credit interface of Johnson acts as a credit rules engine

because it performs the same functions, the credit interface

generates a scoring that is to be used internally, from external

credit information. Examiner also interprets that the credit

interface applies credit rules that instruct the system how to

use information, such as "If the initial credit score is not

known, and initial credit score may be obtained from the credit

bureau If risk has changed, the credit risk manager may adjust

the credit limits" (see Johnson Col. 9 Lns. 3-13)

39. Applicant's arguments with respect to claim 16 have been

considered but are moot in view of the new ground(s) of

rejection.

40. Applicant argues that:

Pillay does not teach or suggest "obtaining information from an

accounts receivable system" and "obtaining information from a

billing system." Furthermore, Pillay fails to disclose "taking

information relating to a predetermined volume of customers,

critical customers' information, and suspicious customers'

information and preparing a report therefrom,

     Examiner responds that:

Pillay does in fact teach receiving user account receivables

information from the central processing computer (¶[0044]),

receiving billing information sources from an information

provider computer (¶[0037]), and creating a report for a

predetermined number of one or more customers (¶[0066]).

Examiner interprets that the predetermined volume of customers
is equivalent to the one or more customers of Pillay.

41. Applicant argues that:

Examiner does not explain how or why Johnson could be modified
to teach every element of claim 24.

   Examiner responds that:

Johnson does not teach said event comprises declining said new
order. Examiner notes that the added limitation does not modify
the operation of Johnson's invention. To have modified Johnson
to have included declining services would have been obvious to
the skilled artisan because the inclusion of such types would
have been well known and an obvious matter of design choice in
light of the invention already discloses by Johnson. As
evidence, examiner introduces Mills et al. U.S. Patent Number
7,024,386 (PTO-892 Reference G). Mills discloses disallowing a
deal or order if there is insufficient credit (see Col. 11 Lns
1-12). It would have been obvious to combine the teachings of
Johnson with Mills for the purpose of protecting from credit
risk.

Conclusion

   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to CHUKS

ONYEZIA whose telephone number is (571)270-1372. The examiner
can normally be reached on Monday - Thursday 9am-5pm.

    If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Alexander Kalinowski
can be reached on 571-272-6771. The fax phone number for the
organization where this application or proceeding is assigned is
571-273-8300.

    Information regarding the status of an application may be
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(IN USA OR CANADA) or 571-272-1000.

/C. Onyezia Esq./   /Alexander Kalinowski/
Examiner, Art Unit 3691   Supervisory Patent
                                         Examiner, Art Unit 3691